



City of Lawrence

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CITY COMMISSION

MAYOR
MICHAEL DEVER

COMMISSIONERS
MIKE AMYX
JEREMY FARMER
DR. TERRY RIORDAN
ROBERT J. SCHUMM

August 6, 2013

The Board of Commissioners of the City of Lawrence met in regular session at 6:35 p.m., in the City Commission Chambers in City Hall with Vice-Mayor Amyx presiding and members, Farmer and Riordan present. Mayor Dever and Commissioner Schumm were absent.

A. RECOGNITION/PROCLAMATION/PRESENTATION: None

B. CONSENT AGENDA

Commissioner Riordan pulled from the consent agenda the City Commission meeting minutes of July 2, 2013.

Commissioner Riordan pulled from the consent agenda item number 11, vacation of easements and dedication of utility easements for Minor Subdivision, MS-13-00217, Deerfield Woods Subdivision No. 9, located at 3320 Peterson Road.

Amyx said the City Commission received correspondence from the Sustainability Action Network regarding changes to the July 23, 2013 minutes and he thought it would be appropriate to defer those minutes for one week until Commissioner Schumm was present since some of the comments were his.

It was moved by Riordan, seconded by Farmer, to approve the consent agenda as below, minus item number 11 and the 7/2/13 City Commission meeting minutes, and to defer consideration of the 7/23/13 City Commission meeting minutes. Motion carried unanimously.

1. 07/02/13 CITY COMMISSION MEETING MINUTES REMOVED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION.

DEFERRED consideration of 07/23/13 City Commission meeting minutes.



Approved City Commission meeting minutes from 07/02/13 (as amended), 07/09/13, and 07/16/13.

2. Received minutes from various boards and commissions:

Parks & Recreation Advisory Board meeting of 07/09/13
Planning Commission meeting minutes of 06/24-26/13
Traffic Safety Commission meeting of 07/01/13
3. Approved claims to 346 vendors in the amount of 3,190,063.97, and payroll from July 14, 2013 to July 27, 2013 in the amount of \$1,910,333.58
4. Approved the Drinking Establishment License for LeRoy's, 729 New Hampshire; The Wheel, 507 West 14th, Cadillac Ranch, 2515 West 6th; Kobe Japanese Steakhouse, 2907 West 6th; Merchant's Pub & Plate 746 Massachusetts; Fuzzys Taco Shop, 1115 Massachusetts; Tres Mexicano's, 1800 East 23rd; and, Fatso's, 1016 Massachusetts.
5. Bid and purchase items:
 - (a) Awarded the bid for two bi-fuel conversions for Parks and Recreation Department water trucks to Westport Wing in the amount of \$30,658.
 - (b) Awarded City Bid No. B1343, PW1309, 6th and George Williams Way – Traffic Signal Improvements, to J. Warren Co., Inc., in the total amount of \$270,339.18 provided the contractor could meet the terms established in the contract documents; and adopted Resolution No. 7039, ordering the improvements and authorizing the issuance of general obligation bonds for the improvements.
6. Adopted the following ordinances on first reading:
 - (a) Ordinance No. 8893, establishing an ALL-WAY STOP at the intersection of Lincoln Street and 5th Street (approved by City Commission on 7/23/13).
 - (b) Ordinance No. 8894, establishing a SPEED LIMIT of 25MPH on Lincoln Street, between 2nd Street and 7th Street (approved by City Commission on 7/23/13).
7. Received a report from Lawrence Public Library on their purchase of Automated Material Handling system as part of the library expansion project.
8. Adopted Resolution No. 7037 authorizing the Mayor and Clerk to execute a Deed, Bill of Sale and Termination of Lease Agreement, and taking all other actions necessary to transfer the project (Kinedyne) to the lessees under the Lease, James M. Klausmann and Jacklyn S. Klausmann, terminated all interest of the City in the project and carried out the intent of the resolution. Industrial Revenue Bonds issued by the city for the Kinedyne project had been paid in full.
9. Received a request from Cromwell Solar to change the permitting process for solar energy projects; referred to Building Code Board of Appeals for review.
10. Approved a Temporary Use of Public Right-of-Way Permit for the closure of Massachusetts Street between North Park Street and South Park Street on Sunday,

September 8, 2013, from 7:00 a.m. – 6:00 p.m., for the annual Fall Arts and Crafts Festival.

11. THIS ITEM WAS PULLED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION. Approved a vacation of easements and dedication of utility easements for Minor Subdivision, MS-13-00217, Deerfield Woods Subdivision No. 9, located at 3320 Peterson Rd.
12. Approved Special Event, SE-13-00276, for Fabian Seafood Co. sales at 1300 W 6th Street, on August 21-22, September 21-22, October 17-18, and November 16-17, 2013. Submitted by Fabian Seafood Co. with permission of Lucole Land Co. LC, property owner of record.
13. Approved rezoning, Z-13-00199, approximately .06 acre from OS-FP (Open Space with Floodplain Management Regulations Overlay) District to RM-12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District conditioned with a maximum density of 9 dwelling units per acre, located at 3309 W 31st St. Submitted by Grob Engineering Services, for Kansas District of the Wesleyan Church, property owner of record. Adopted on first reading, Ordinance No. 8888, to rezone (Z-13-00199) approximately .06 acre from OS-FP (Open Space with Floodplain Management Regulations Overlay) District to RM-12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District, located at 3309 W 31st St. (PC Item 5A; approved 6-0 on 7/22/13)
14. Approved rezoning, Z-13-00249, approximately 13.06 acres from RM12 (Multi-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District to revise the condition related to maximum density from 6 dwelling units per acre to 9 dwelling units per acre, located at 3309 W 31st St. Submitted by Grob Engineering Services, for Kansas District of the Wesleyan Church, property owner of record. Adopted on first reading, Ordinance No. 8889, to rezone (Z-13-00249) approximately 13.06 acres from RM12 (Multi-Dwelling Residential) District to RM12 (Multi-Dwelling Residential) District to revise condition, located at 3309 W 31st St. (PC Item 5B; approved 6-0 on 7/22/13)
15. Approved rezoning, Z-13-00250, approximately 6.39 acres from RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District to RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District to revise the condition related to maximum density from 6 dwelling units per acre to 9 dwelling units per acre, located at 3309 W 31st St. Submitted by Grob Engineering Services, for Kansas District of the Wesleyan Church, property owner of record. Adopted on first reading, Ordinance No. 8890, to rezone (Z-13-00250) approximately 6.39 acres from RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District to RM12-FP (Multi-Dwelling Residential with Floodplain Management Regulations Overlay) District to revise condition, located at 3309 W 31st St. (PC Item 5C; approved 6-0 on 7/22/13)
16. Initiated annexation of approximately 25.81 acres located southeast of Mary's Lake between Haskell Avenue and O'Connell Road for the construction of the extension of E 31st Street to tie into N 1300 Road east of the E 1600 Road/O'Connell Road intersection. The property owner of record is the Kansas Secretary of Transportation.

17. Received request for change to the City of Lawrence Code Chapter V, Article 15, regarding adding a specialty contractor license classification for storm shelter construction and refer to the Contractor Licensing Board for recommendations.
18. Concurred with Traffic Safety Commission recommendation to establish reserved parking for persons with disabilities in front of 3924-3926 Overland Drive. (TSC item#3; approved 7-0 on 7/1/13)
19. Received request from Sunlite Science and Technology, Inc. for a fifty percent (50%) property tax abatement on property at 4811 Quail Crest Place, Lawrence, Kansas. Referred to staff for analysis and to the Public Incentives Review Committee (PIRC) for recommendation and established August 27, 2013 as a date for a public hearing on the request.

Riordan said regarding a comment he made in the July 2, 2013 City Commission meeting minutes, on page 7, the minutes indicated 1,500 square feet and should be 15,000 square feet.

Moved by Farmer, seconded by Riordan to approve the 7/2/13 City Commission meeting minutes with amendment made by Commissioner Riordan. Motion carried unanimously.

Riordan said consent agenda number 11, approving a vacation of easements and dedication of utility easements for Minor Subdivision, MS-13-00217, Deerfield Woods Subdivision No. 9, located at 3320 Peterson Road, also included a variance request which was reasonable considering it was not being developed, but subdivided. He said he wanted to see if the applicant was present because he did not want this to reflect that the Commission thought that when this came back, that they would have any interest in a variance at that time. It was important to have sidewalks on both sides of the street for public safety and would like to note that he, and he hoped the City Commission, would recommend that this variance be given only for this time and was not recommended for the future.

Amyx said the item before the City Commission dealt with the variance on the vacation of the drainage easement only. The note that was placed on the plat that would require the installation of sidewalks on both sides had been added to that plat and was already in process.

McCullough said correct. The Planning Commission's determination had been implemented through a new plat note after that meeting that would advise staff and any future administration that per that plat note, sidewalks were anticipated and expected upon development of the new lot 1, which was undeveloped today. He said for any major redevelopment of lot 2, which was developed today, but would typically trigger the full code being applied to it upon that major redevelopment. He said essentially, the Planning Commission did a great job of clarifying the matter for staff, future administration, and future applicants in saying that the platting that created the new lot line didn't meet the threshold of requiring installation of the sidewalks, but any development would.

Amyx asked if that would take care of concerns the City Commission would have regarding the future need of the sidewalks on both sides of the street.

Riordan said yes, but he wanted the City Commission to also make sure that was clarified and didn't want the City Commission to have a different concept.

Farmer said there was a Community Sidewalk Task Force that was working on identifying sidewalk deficiencies in this community. It would be good, if the City had standards for folks that had sidewalks when development happened and to be very careful about issuing variances because it was a public safety issue and he wanted the community to be walkable because that increased the amount of opportunity that people had for physical activity which was one of the needs identified by the community's health assessment and was important as they moved forward.

Amyx said a special thank-you for the time that the Planning Commission spent making sure that even though it was important at this time for this variance, the fact of the additional language that had been placed on the plat took care of the concerns. He said he had the opportunity to visit with Laura Routh from LAN and it was important to note whether it be from the Planning or City Commissions, the importance of sidewalks throughout the community. He

said he wanted to thank the Planning Commission for coming up with a very good recommendation for future development of sidewalks in this area and throughout the town.

Vice Mayor Amyx called for public comment. None was received.

Moved by Riordan, seconded by Farmer, to approve a vacation of easements and dedication of utility easements for Minor Subdivision, MS-13-00217, Deerfield Woods Subdivision No. 9, located at 3320 Peterson Rd. Motion carried unanimously.

C. CITY MANAGER'S REPORT:

David Corliss, City Manager, presented the report.

Farmer said on the long-range work plan progress update, Vice Mayor Amyx was going to head up a group of people that were going to take a look at that plan and asked if any decisions had been made on people that were going to be a part of that committee or if that was still in the works for a later point.

Amyx said the Mayor wanted the City Commission to get through the budget process before starting another big plan. He said he would imagine next week that they could visit about that. There hasn't been anyone appointed and no decisions made.

D. REGULAR AGENDA ITEMS:

1. **Conducted a public hearing regarding a distance limitation waiver for a temporary liquor permit for Kansas State Fiddling and Picking Championship in South Park on Sunday, August 25, 2013.**

Jonathan Douglass, Assistant to the City Manager/City Clerk, presented the staff report.

Amyx said since the City Commission had to make a decision whether it was adverse to the public welfare, he asked if staff had a complaint or situation with alcohol at this event.

Douglass said no. The church that was nearby had not objected to any of the events that had been held at South Park. He said the church appreciated receiving notices of those events, mainly for parking concerns.

Moved by Farmer, seconded by Riordan to open the public hearing. Motion carried unanimously.

Rod Hinkle said he was a Pastor at North Lawrence Christian Church and had been a citizen of Lawrence since 1979. He said as you know, alcohol had been a big problem in the City, at least with the people he had tried to minister to. Several of their members were now struggling to be set free from their addiction. He said he would like for the City Commission to consider, not only for his members, but for all the alcoholics in this great City who had become addicted so that when they attend any event, that they were not put under pressure to yield to their temptation. He said the City knew the statistics regarding alcohol use in the City related to crime, automobile accidents, and rape. He said he wanted to urge the City Commission to not only consider those folks that had difficulty with alcohol, but also the children of this City. He said he was extremely accountable before God as to his responsibility for the people he cared for and he knew the City Commission felt a great accountability to the citizens of this City. He said from the previous statements, there had been no problem with the South Park events as far as history was concerned, but he would like the City Commission to consider not just a small portion of the population, but all the population of Lawrence and like all good City fathers, to do their best to protect them from whatever thing might harm them. He said they just conducted a vacation bible school at their church and he was impressed with a 5 year old girl that asked to give the closing prayer one night. He said he was really surprised that someone that age would like to come forward and pray. He said her prayer was to thank God for what she learned in Vacation Bible School and to ask God to bring her daddy home from prison. He said they surely understood the pain that children go through when their mom or dad was addicted to drugs or alcohol. He said he would urge the City Commission to state that this City was a family City and therefore whatever events the City had publicly in the park were going to be good for families to attend and enjoy.

Moved by Riordan, seconded by Farmer, to close the public hearing. Motion carried unanimously.

Amyx said he appreciated Reverend Hinkle's comments. He said it was the responsibility of the Commission to make sure all the events in the City were open and available to any family. He said the Commission took a very serious look that any of the events would not have an adverse effect on the public welfare and safety of anyone. He said the City Commission was involved with all types of situations and that alcoholism and drug situations were in the forefront of the Commission's minds because they knew the effect it had on the families throughout the community.

Riordan said he appreciated Reverend Hinkle's comments and it affected many families that he took care of, but at the same time, he didn't think that it would rise to the level of denying this request.

Farmer said he appreciated Reverend Hinkle's comments as well. He said it was important to have that prospective and appreciated Hinkle's sharing his concerns and for his good work for all the citizens in North Lawrence.

Moved by Riordan, seconded by Farmer, to find that the proximity of the sale of alcoholic liquor for the event was not adverse to the public welfare or safety; to grant a distance limitation waiver; and, to adopt on first reading, Ordinance No. 8892, allowing the possession and consumption of alcoholic liquor on Massachusetts Street from North Park Street to South Park Street on Sunday, August 25, 2013, from 9:00 a.m. – 7:00 p.m. Motion carried unanimously.

E. PUBLIC COMMENT: None.

F. FUTURE AGENDA ITEMS:

David Corliss, City Manager, outlined potential future agenda items.

G: COMMISSION ITEMS:

H: CALENDAR:

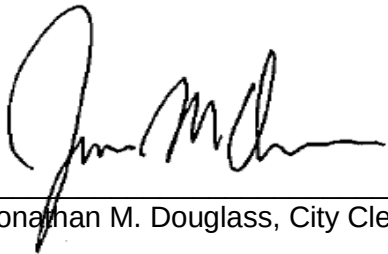
David Corliss, City Manager, reviewed calendar items

I: CURRENT VACANCIES – BOARDS/COMMISSIONS:

Existing and upcoming vacancies on City of Lawrence Boards and Commissions were listed on the agenda.

Moved by Riordan, seconded by Farmer, to adjourn at 7:01 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON AUGUST 27, 2013.

A handwritten signature in black ink, appearing to read 'Jon M. Douglass', is written over a horizontal line.

Jonathan M. Douglass, City Clerk